



A neighbor's home the morning after the Marshall Fire.

What Do You Do When Disaster Knocks?

Lessons from the Marshall Fire

BY RONALD M. SANDGRUND

“Soon after the deputy sheriff banged furiously on my door and my wife and I fled with only the clothes on our backs, I found myself sitting in a friend’s house staring at the beeping home alarm app on my smart phone. Smoke detectors were going off room by room. Then, unexpectedly, a door alarm went off, and I realized the fire department had broken in and was saving my house. Then another door alarm went off—reinforcements! Then every alarm went off and I knew that every door and window frame was deforming from the heat and my home was being incinerated. Later, my demolition contractor said temperatures had to have reached 6,000 degrees to have twisted our steel I-beams like spaghetti.”

—Unincorporated Boulder County Resident, Bari-Donn Knolls Subdivision

This is the ninth article series by The Inquiring Lawyer addressing a topic that Colorado lawyers may discuss privately but rarely talk about publicly. The topics in this column are explored through dialogues with lawyers, judges, law professors, law students, and law school deans, as well as entrepreneurs, journalists, business leaders, politicians, economists, sociologists, mental health professionals, academics, children, gadflies, and know-it-alls (myself included). If you have an idea for a future column, I hope you will share it with me via email at rms.sandgrund@gmail.com.

Introduction

This installment of The Inquiring Lawyer asks: In an era of rapidly increasing wildfire risk, how can we prepare ourselves for a natural disaster that destroys neighborhoods, displaces

families, and tests long-held assumptions about our resilience and rebuilding? To answer this question, I spoke with several attorneys who lost their homes to the wildfire that swept through Boulder County on December 30, 2021. The Marshall Fire destroyed nearly 1,000 homes and killed two people. It was not the biggest Colorado wildfire, but it destroyed the greatest number of homes to date—including mine.

Following the fire, I helped several neighbors navigate their fire insurance claims, drawing on my 40 years’ experience assisting both policyholders and insurers with insurance law matters. All the neighbors I spoke to had some difficulties with their claims. One neighbor whose home survived the fire but was smoke-damaged said, “I wish it had burned down.” (Their stories motivated me to write a *Colorado Lawyer* article on how to establish a personal property fire claim.¹) I also spoke to many, many friends about the adequacy of their insurance coverage going forward. Every friend I spoke to was underinsured. Each remained underinsured after we spoke until—a few weeks later—a second wildfire broke out in Boulder. Then they scrambled to increase their coverage.

I came to learn that there are insidious and counterintuitive economic forces at work incentivizing insurers to underinsure homes and to under-educate their insureds about this problem. In short, most people buy insurance based on cost, not coverage. While lawyers should arguably be better suited than most to navigate the complexities of homeowners insurance, the attorneys I spoke with made many of the same assumptions and faced many of the same hurdles as everyone else in managing their insurance claims.

Participants



Josh Marks is an attorney with Berg Hill Greenleaf Ruscitti, LLP focusing on public entity, employment, land use, and zoning law.



Chris Robbins is an attorney with Cozen O’Connor focusing on insurance subrogation, construction defect, and product liability.



Tawnya Somauroo is an attorney with Brake Hughes Bellerman focusing on patent law.



Carolyn Steffl is a shareholder with Dietze and Davis, P.C. focusing on special district, local government, water, and real property law.

The Gathering Storm



The Inquiring Lawyer: I never gave much serious thought to our house burning down. A small house fire perhaps, quickly contained, and then dealing with a burned room and some smoke damage, was as far as my imagination took me. My next-door neighbors, on the other hand, expressed concern whenever the county conducted controlled burns, given that both our homes abutted open space. They also asked us to keep our tall grasses cut back due to the fire danger they presented. I did so to be neighborly, and continued to do so for 20 years, but I thought their concerns were overstated. The only real fire preparations I made—prompted by my representing several homeowners who had lost their homes in fires—was to seek out annually broader fire insurance coverage and to take digital photos of our personal property every few years. Still, the risk of a serious fire seemed remote, and I had to talk myself into not feeling like a sucker for spending 50% more on our insurance premiums than our friends were at the time.

InQ: Josh, had you envisioned a scenario like December 30?



Josh Marks: I had given *some* thought ahead of time to a fire like this, but I had greatly discounted the possibility. All the nearby fires had occurred in forested open space, seven or eight miles away. Frankly, I didn't really seriously consider a large-scale fire threat until December 30.

InQ: Had you considered the possibility of ever having to evacuate your home?

Josh: We knew people who had evacuated from nearby fires. We got a glimpse of that

in 2020. We were in the process of building a mountain vacation home when the Troublesome Fire in Grand County occurred, and we kept track of the evacuation orders to gauge how close it was to the structure. In those moments I had thought to myself, *What would I do?* But then I was on to 20 different things. As to the Louisville house, we kept no inventory of our possessions. At one point some years back, I went through our home with a video camera, but I didn't save the recording. I have no idea where it is. Now I wish I had kept that recording in a safe place and made a more recent one. One of the least favorite things I'm doing now is trying to reconstruct all the things that were in the house.

InQ: One former client I met with before the Marshall Fire told me about sifting through his home's ashes, trying to remember what he had based on the few fragments that he found. That image, his sadness, prompted me to create a digital photo inventory of nearly everything in our house in 2016, which documented most everything we had, and an electronic inventory of much of our jewelry and artwork. Despite my efforts, it took my wife and me dozens and dozens of hours to create a post-fire personal property inventory with current pricing. Not one of the many neighbors I spoke to kept any sort of similar pre-fire inventory.

Straight-Line Winds and a Fiery Vortex

InQ: Tawnya, how did this disaster play out for you on the day of?



Tawnya Somauroo: The morning of the fire I was working on an appeal from home while also keeping an eye on the worst windstorm I had seen in 20 years of living on the Front Range. When our nanny came for our twin toddlers at 12:30 p.m., I saw an ominous black plume of smoke miles away to the southwest. The sky was still blue overhead. I looked for news but found no information that our neighborhood was in any danger. Still, concerned that the fire might change direction and hop US 36, I spent the next 50 minutes making a packing list, texting my neighbors to warn of the danger, and carefully staging some belongings in our garage in case we needed to evacuate.

InQ: When it became clear the fire was an imminent threat, what did you do?

Tawnya: At first I moved calmly, but by 1:00 that afternoon, smoke and debris were pelting us horizontally in 100-plus mile-per-hour gusts from a neighborhood upwind of us that was already on fire. I was in a panic. By 1:20 I had loaded our car. Around this time, a neighbor—also a lawyer—drove home from her office honking her horn to warn that flames were on our block and everyone needed to leave. Together we ran to help some elderly neighbors evacuate. Meanwhile, a garbage truck was emptying bins in our street as we drove away. It was surreal.

InQ: Josh—what was the day of the fire like for you?

Josh: Well, I was sitting here at my office desk exactly as I am today talking to you. My wife, Julie, was home due to her school's winter break. She called me and said, "It's smoky." I jumped on the Boulder County Emergency website, which reported a small fire near Highway 93. I called my wife back and told her it's just a small fire and that she's probably just in the plume. Two more phone calls follow. I continue to minimize the situation, but my wife is increasingly concerned, and she says she's going to start packing up. Then the Louisville evacuation order comes down. After that, we are in constant contact, and I tell her I'm heading to the house and we'll decide what to grab and then head out together. It takes me forever—the roads are crazily packed with traffic, sometimes at a standstill, and it takes me 45 minutes to get to Dillon Road—usually a 15-minute drive—and then I'm turned away 40 yards from the entrance to our subdivision. Initially, all I can see is smoke, but then I can see small fires and burnt vegetation. It felt weird—and it's hard to describe—everyone was fleeing at once, like a scene from an apocalyptic movie. I told Julie we needed to meet somewhere. She had grabbed some items, our passports, and, of course, the dog.

InQ: What happened next?

Josh: Julie and I met up and we decided we would just drive up to our now-completed mountain house. There was nothing we could do here, and we didn't want to evacuate to

some strange holding center. I thought we were in good shape: the winds seemed to be dying down and changing direction. And as we are driving away, we saw lots of emergency personnel heading in and I thought, *That's a good sign—reinforcements*. I'm seeing all the positives, that things are going to work out. A few hours later, neighbors are sending us videos of our neighborhood and our house in flames, with text messages expressing sorrow for what has happened to our house. So we were fairly certain then that our home was gone. It was clear the fire was jumping from house to house—the homes were close together on quarter-acre lots.

InQ: I know that optimism-turned-pessimism feeling. At one point after we fled, I drove back into my neighborhood. There were a lot of spot fires, but no homes were aflame. I saw a number of fire trucks parked in front of a neighbor's property and I assumed this was

a safe place to be. But the firefighters were just standing outside their vehicles, looking pretty forlorn. Eighty to 100 mile-per-hour winds had neutered their fire-fighting efforts, and they just watched homes burn and the flames march across the nearby prairie setting more homes afire.

InQ: Carolyn, how much warning did you get before you had to evacuate?



Carolyn Steffl: Fortunately, we were out of town at the time of the fire, so we don't have those horrific stories that others have. My 15-year-old first heard about the fire through social media, and then a text came from a friend in France. Then we heard the Costco was on fire, and I thought, *Oh my gosh, that's pretty close to our house*—although on the other side of the highway. Then while our family was ice skating, we heard the fire was near the Coal Creek Golf Course, which

is right by our house, and we became very, very nervous. By the time we got back from skating, we heard that our neighborhood was up in flames. We turned on the news and we could see a wall of flames behind the reporter and saw that it was our neighborhood, and we thought it was likely our home was gone. It was very traumatic.

InQ: That first evening must have been hard—so many questions.

Carolyn: We were devastated and in shock. We couldn't sleep, so we camped out in our VRBO living room rewatching *Ted Lasso* until we all fell asleep on the couch. By then three different people had told us that homes located a couple houses from us were gone. We held out a tiny hope that our home had survived, as fires can be patchy. But the next morning a police officer drove past our address and confirmed that our home was gone.

InQ: Chris, what do you remember about December 30, 2021?



Chris Robbins: I was in my downtown Denver office when my wife and daughter contacted me about the smoke and wind. I checked online and advised them that it was unlikely any fire would cross US 36. I was wrong. I told them which way to go as part of the evacuation. Soon after, I got a text from our daughter that there was a fire department alert that our home was a "structure on fire." Our home wasn't destroyed until hours later. I stayed at the office trying to work because there was not much else I could do.

Seeking Refuge

InQ: Carolyn, did you return to Colorado right away to pick up the pieces, so to speak?

Carolyn: Actually, we delayed our return by a day to work on logistics—we called all sorts of landlords and were able to secure a rental house by phone on New Year's Day. We did our walk-through on Zoom. We came back on January 2 and stayed with friends until the Broomfield rental house was available—we slept in sleeping bags when we first moved into the rental. The day after we returned to Colorado, we got into our neighborhood—homes were still smoldering. It was a pretty incredible scene.

Trial Coming Up? I can help



SCOTT JURDEM

Best Lawyers in America

Inducted American Board
of Trial Attorneys

Board Certified Civil Trial Advocate —
National Board of Trial Advocacy

Life Member — NACDL

2006–2022 Colorado Super Lawyer

"Don't Get Outgunned"

JURDEM, LLC

820 Pearl Street, Suite H, Boulder, Colorado, 80302

303-402-6717 sj@jurdem.com www.jurdem.com

Our house was completely gone. We found two pieces of our wedding china—a teacup and sugar bowl—in a window well, and a frame of a Christmas angel in the front yard. We had so much volume of so much stuff, and yet it all disappeared. We had built a new deck and pergola that fall and had gotten a text a couple days before the fire that it was ready for the final walk-through. It's all completely gone—you can't even tell they were ever there.

InQ: Yeah, just about every bit of our home was completely destroyed as well. All I could make out were the skeletal remains of the metal frames of some furniture and appliances—and even then I wasn't sure what I was looking at because they were so badly twisted and blackened. The only things left intact—pristine actually—were two CorningWare cooking vessels. I think we'll build our next home out of CorningWare. Our demolition contractor lent us a metal detector—it found nothing. Any gold or silver jewelry melted and ran away. The contractor said the temperatures had to reach between 5,000 and 6,000 degrees to have bent our I-beams into spaghetti.

InQ: Josh, what do you recall after you evacuated?

Josh: The next 24 hours are a blur. We were getting inundated with messages from near and far. A good friend of ours, a firm colleague, called and offered to let us crash in his largely unused Boulder condo, and I immediately explored a long-term stay. I felt that we should jump on this given the number of people likely displaced by the fire and the tight real estate market around here. We'd never seen the place, but we grabbed it. My wife wasn't thrilled to be moving into a bachelor's man cave—but we laughed about it. And we're still there today.

InQ: Did you clear the rental cost or accommodations with your insurer?

Josh: No. It just seemed like we couldn't pass on it—it was fully furnished.

Assessing the Loss and Next Steps

InQ: Carolyn, besides surveying the wreckage of your home, what else stands out from those first few days?

Carolyn: The support from our family and friends. Our friends took us in like family. My

TIPS FOR MAXIMIZING YOUR HOMEOWNERS INSURANCE COVERAGE

1 If you know any local contractors, ask them what the current per square foot rebuild costs are and try to insure your finished living space to at least that amount. Many insurers will refuse to raise your limits, even though you're happy to pay the extra premium for the coverage. If your insurer refuses, check out other insurers. Then, review local construction costs and reevaluate your insurance needs every couple of years.

2 Almost every insurance policy expressly disclaims that the insurer's recommended coverage is adequate and says it's the insureds' responsibility to determine their own insurance needs. Moreover, every policy says "replacement cost" protection is provided. It is, but not in the way most insureds imagine—the insurer simply pays the policy limit, sometimes with a 20–25% kicker, but with no guarantee it will be enough to actually replace/rebuild the home. Of the 1,000 homes lost in the Marshall Fire, less than 10% carried actual *unconditional full* replacement cost coverage. True replacement cost coverage is rarely even offered to most homeowners—it's too risky for the insurers (and pretty expensive for the homeowners).

3 Obtain law/ordinance coverage to cover updated building code requirements since the date your home was built. You should have debris removal and landscaping coverage, often stated as a percentage of your Coverage A (Dwelling) limits. However, many policies deduct these payments from your limits payout, which degrades your rebuilding coverage. Your Coverage B (Contents/Personal Property) usually only pays ACV (actual cash value)—the depreciated value of your personal property—and most insurers value ACV on the low side. You don't get the actual replacement cost until and unless you actually buy and replace the destroyed property.

4 You may need to prove up front that you possessed and owned the claimed destroyed personal property, so take digital photos and videos, narrate the videos to describe the make/model/brand of what you have and/or the stores where you bought the items, and if feasible, create a detailed electronic inventory and store it in the cloud. (Remember, you're likely entitled to reimbursement of the sales tax you will need to pay to replace items, as well as delivery and installation charges for appliances, electronics, etc.).

siblings immediately set up a Slack channel that became a community lifeline, and they sent our kids school supplies and a giant teddy bear. My law school class collected donations and purchased treasured items to help the rental house feel more like home. It's been tough on our kids commuting from Broomfield. Three of my son's best friends lost their homes. The neighborhood was really tight-knit. My daughter had headaches nearly every day for months after the fire. She found it really hard to adjust. The schools have been amazing—reaching out

to us shortly after the fire, offering counseling, arranging for transportation to and from the school using federal emergency funds. Now things are brighter. By the end of the school year, my 12-year-old son was doing track, in a musical and the band, and doing his Dungeons and Dragons. My 15-year-old went to prom and was in choir and student council. They found joy even though we still live with the fire's aftermath.

InQ: House gone. Kids scared and sad. How did you manage your work responsibilities?

Carolyn: My law firm and my clients have been great, very flexible—two of us partners lost our homes. Luckily, I’m a transactional attorney, which allowed some additional flexibility for nonpriority matters. I just took it day by day, working on top priorities, sandwiched between insurance meetings and Zoom calls with the HOA, the city and county, and neighbors.

InQ: Josh—anything stand out from those first few days after the fire?

Josh: My grown boys—they were 25 and 29 at the time—were deeply affected by the loss of their childhood home, and I underestimated that severely. They came to the lot in the day after the fire while things were still smoldering. They both had some stuff in the house—sports championship memorabilia, old Lego sets—they were pretty emotionally jarred. Nothing inside the house survived. We found few things outside.

InQ: Yeah, I rescued from our garden a stone Buddha, a metal bucking bronco sculpture, and a small replica Japanese granite house that we’d put a candle in so it looked like a fireplace was burning inside. The rest of our tri-level house and its contents was reduced to a one-to-two-foot pile of ash that had settled on our basement’s concrete slab-on-grade floor.

The Insurance Claim

InQ: It’s become clear to me that the best way to manage an insurance claim after a disaster is to make sure you have adequate insurance in place *before* the disaster. Your thoughts on insurance?

Tawnya: Three months before the fire, we paid \$200 to increase our home insurance limits by 20%, so we’re just barely properly insured. Given the current spiraling rebuilding costs, I recommend carrying at least \$500 a square foot dwelling coverage. You also want to carry at least 24 months additional living expense (ALE)—the first Marshall Fire victims won’t be moving into their new homes until at least 18 months post-disaster. You also need adequate ordinance and law coverage, which pays for upgrades you must make to rebuild your house to satisfy the current building codes.

InQ: Carolyn, how is your insurance claim coming along?

Carolyn: I think we have one of the best insurance situations around because we have

a rebuild clause and the insurance company will rebuild to current code. We may still have long discussions about what is the equivalent build—we’ll see. We do, however, have to itemize all our destroyed personal property, which has been very hard and upsetting. We got 60% of our personal property policy limit, no questions asked, but for the balance we have to itemize every single thing. You have to remember everything you had, the brand, where you bought it. We had no photos or inventories or walk-through—maybe a few random snapshots here or there. Because we were out of town, we weren’t able to grab any mementos or take any last-minute photos. After we itemized the list, the insurance company valued and depreciated it. We’re going back to the insurer line by line on items that were way undervalued. Then, we’ll be paid the depreciated value, and we can recover the depreciation by submitting receipts for items we actually replace.

InQ: A long and painful process indeed.

Carolyn: The insurer did the same with the house. We got a check for the home’s depreciated value, but to get more we have to actually rebuild or purchase a similar house. We’re planning to rebuild—at least we’re 98% likely to rebuild. The insurer will rebuild up to current code—in Louisville, that’s been a big discussion, whether all the rebuilding must be up to the correct code because a lot of people don’t have coverage for that extra expense to pay for the new energy efficiency requirements and so on. The city is working with residents to allow an opt-out for financial hardship, and the state and Xcel are providing rebates to help build to the current code.

InQ: Chris, what are your thoughts in the fire’s wake?

Chris: Nothing prepares you for the scope and magnitude of the loss and dislocation. I wish I had told my wife and daughter to video the home and its contents just before evacuating. It would have made remembering our personal property and home finishes easier to recall and discuss with our insurer. I would tell others to think about what they should do if ever ordered to evacuate: where to go, what needs to be taken, contact information, what’s important and meaningful to take with you and what’s not.

InQ: Josh, your perspective on the insurance situation?

Josh: I didn’t look at my insurance policies very closely before the fire. But fortunately we had redone large parts of our production-built home as it aged out, so our policy luckily reflected that we were in a custom-finish range. We didn’t add any fire mitigation features. We never got a full replacement cost policy. I think that we’ll be okay—but we’re still in the process of figuring it out, getting pricing on a rebuild house. Our firm is handling a number of insurance inquiries pro bono. We’re seeing some institutional practices that seem designed to thwart folks from accessing their full benefits. And a lot of people are underinsured.

InQ: Some legal research I’ve done for an article suggests that there are several perverse incentives built into homeowners insurance so as to leave a large percentage of people significantly underinsured. Another factor is that many people buy insurance solely on the basis of the premium, not the coverage.

Relocate or Rebuild?

InQ: Josh, will you rebuild?

Josh: We made contact very quickly with the disaster adjusters who came parachuting in. That first weekend back I’m thinking, what do we need to do, besides the insurance piece? I thought it would make sense to try to get production builders back in our neighborhood and begin widespread reconstruction for everyone who lost a home. I reached out to a bunch of construction industry contacts trying to chart a course. And one of the neighbors got a Slack message board going for the development. We were able to create different threads for different groups for different things.

InQ: Did you become the neighborhood point person for rebuilding?

Josh: Maybe at first, but not long-term. I reduced my hours at first to take on this project, but it became too consuming. I was hoping the neighborhood would coalesce around a handful of production builders. But that was like inviting 140 neighbors out for breakfast and trying to agree on a place to eat. It just didn’t work out. The neighborhood went in too many different directions. People are in too many distinct places given their insurance, personal



Above: What was left of our brand-new deck furniture on our brand-new deck.
Right: Remnants of my 3-year-old Ping golf irons.



resources, where they are in life, and what they want in a home starting from scratch.

InQ: With all the wildfires you read about in the United States, I just assumed that big builders would come in and rebuild en masse in these situations or buy the land cheap from the underinsured and build new homes on those lots. In my neighborhood, with about 20 of 40 homes destroyed, a semi-custom homebuilder seems to be stepping up for a few folks.

Josh: I made some great contacts with a number of national homebuilders. But we realized quickly that this sort of work is a huge pivot for them. This isn't how they make money—we were asking them to change their business model. They don't typically build on other people's properties or deal with insurance companies. And there was some sort of huge accounting problem. So that left us with a few local production, that is, semi-custom, builders, of which about a half-dozen seem to be making this rebuild a priority and are altering their usual business practices to make it work. One production builder in particular decided to pause all future projects to focus on rebuilding

as a way to give back to the community, and the president of that homebuilder seems to be driving that company's decision to help out.

InQ: It will be interesting to see how ongoing supply chain issues and inflationary spikes in construction labor and materials play out. My insurer indicated it would not approve of a time and material or cost-plus contract, that it wanted us to enter into a fixed-price contract. I'm not sure how we'll navigate that line in the sand—and I'm not sure my insurer can impose such a condition on us—since no builder I spoke to seemed excited about a fixed-price contract. We may be able to split the difference with a fixed-price contract with built-in escalator clauses and some large allowances, but I don't know.

Josh: I haven't signed a contract yet, and I don't have a hard bid because we might deviate some from the original plan. The builder we're talking to is creating a "standard" preliminary contract for this job, with a \$10,000 deposit. If we go with them, then we'll need a full-fledged construction contract. But construction pricing is so volatile. The builders seem unsure how fast they can proceed. I think some sort of built-in

escalator clause to account for cost increases is almost certain even for a fixed-price contract, at least for lumber.

InQ: Have you looked at your policy to see if there's a time limit on starting or finishing rebuilding?

Josh: No. I know we have the standard 24 months ALE [alternate living expense] for temporary housing. Ron, are you rebuilding or relocating?

InQ: We've looked, and so far we can't find an existing house that duplicates what we had. The homes that did appeal to us still required a fair amount of work, so we decided we ought to try to rebuild with a design we helped create and that reflects our preferences. I recognize that many folks do not enjoy a similar choice.

Looking around my neighborhood, I think most people intend to rebuild close to what they had, but the underinsurance situation is challenging them. My wife is driving the rebuild train, and she's devoting a lot of her time and resources to the effort. The only thing I asked was that we not put on hold our travel, camping, skiing, and other plans during the rebuild process to the greatest extent possible. We intend to rebuild smaller, smarter, and more energy efficient—with an end game of age-in-place living.

Lessons Learned

InQ: Carolyn, do you have enough insurance money to rebuild?

Carolyn: Yes, I think we can rebuild to what we had, but if we were to buy another home, I don't think we'd have enough money because the real estate market has gone so crazy. Our hope is there is enough money for the rebuild, but until you've done it you don't really know. We've heard construction costs will be around \$350 a square foot, but the numbers are very rough, and they depend on the choices you make for finishes. We've found a builder and are working on signing a contract with him. Our insurer will pay for temporary living expenses for two years from the date of the loss, and I like to think we'll be in our new house before then, before my daughter starts her senior year.²

InQ: Any resources you found particularly helpful?

Carolyn: There are some attorneys—fire victims themselves—who have stepped up since the fire who have tried to coordinate group rebuilds, help with drafting contracts, things like that. Leading the charge and doing great work.

InQ: Great to hear about these lawyers advocating for their neighbors.

Carolyn: The Boulder County Bar Association put on CLEs and legal clinics and, with the CBA, staffed a booth at the disaster assistance center. The community has also been amazing—pop-up stores, events with household supply and clothing giveaways, and local store discounts. Restaurants have provided free meals. I could fill this whole article if I thanked everyone who has helped us.

InQ: Any losses that the insurance really can't speak to?

Carolyn: It was especially hard to lose my wedding dress. Fortunately, our wedding photographer still had the negatives in a shoebox in her basement after 20 years. My husband lost his wedding ring. We bought a new ring and had our priest bless it in a vow renewal ceremony. My husband lost some computer data that was electronically stored. In the end, it's not as much about the things.

InQ: One last question, Carolyn. Strangely, several folks have expressed similar sentiments to me, that they wished the fire had never happened and they had not lost their home and all their personal property other than the clothes on their back—but that there was a Zen-like, liberating feel to losing all their possessions, involuntarily as it was. In retrospect, it seems that so many of those possessions can feel like an anchor being dragged along the bottom. I got the sense from these folks that the fire had given them a new perspective on what's important—the depth of their friendships and other relationships and their community's support and love—that might have been invisible before then.

Carolyn: Yeah, my husband described it as extreme Marie Kondo-ing. We got rid of everything that didn't bring us joy. But we also got rid of things that did bring us joy. There's a little bit of what you describe—in putting together our insurance inventory we see a lot of things we didn't need. But I don't think I've reached the point where I've found this "freeing"—it's just been so stressful nonstop. Especially when you try to navigate it with kids—the stress doesn't seem to stop.

InQ: I've spoken to a lot of lawyers dispossessed by the fire, and there is a certain commonality in how they view the fire and its aftermath, and how they've reacted to it because of, I think, their training as lawyers and how they think. Yet it is also apparent that the trauma they've been through has had a unique effect on each of them.

Carolyn: I hear what you're saying. Lawyers are professional problem solvers. We're in a unique position when a crisis like this happens. We have unique analytic skills that tell us, "These are the people I need to call, these are the steps I need to take," and we are well-equipped for

something like this because we solve problems for a living.

InQ: Every lawyer I spoke to almost immediately started to create a checklist in their head of what needed to be done, as if they were getting ready for a trial or preparing for a business sale closing. Not to say it wasn't shocking and confusing for them, but those feelings were accompanied by a sense that, eventually, they could create an agenda, take control of their lives again, and start knocking things off their list. Tawnya, your thoughts looking back on the fire?

Tawnya: Things happen very fast in disasters and often evacuation orders never come. So, your first priority must be to use your common sense and evacuate your family before your escape route from your neighborhood gets blocked.

InQ: Yeah, my wife and I learned that lesson. We evacuated from our little neighborhood in unincorporated Boulder County to a friend's house in Louisville around 1:00 p.m.—no traffic. Then, two hours later, we had to evacuate from our friend's house, and it wasn't pretty. I think we went four blocks in a half hour. Clearly, one must try to plan ahead for a disaster, despite the unlikelihood one will ever affect you. What advance planning do you suggest, Tawnya?

Tawnya: I recommend making a prioritized list of what you would want to evacuate from your home, rather than first considering that list in the midst of a disaster.

InQ: Such a list would have helped us for sure. We had a few minutes between the deputy sheriff pounding on our door and us driving off. With our pulse pounding in our ears, we didn't think to just sweep all my wife's jewelry into a bag, grab our wedding album, or snag some other easy-to-pack and carry items close to our heart. I grabbed our passports, my prescriptions, and, maybe as a sign of the times, our COVID vaccine cards.

Tawnya: A person who wants to feel prepared for a disaster might try to imagine moving around their house and gathering the things they would want to save in a fire. It will be easier to evacuate items that are located close to one another. For example, I was grateful that all my paper mementos were in a single box and all my family's medications were in a single cabinet. My children are grateful we saved

their baby blankets and a few stuffies. Don't forget to grab medical devices—I'm so glad my husband remembered his CPAP machine. Also, scan all important documents ahead of time and back them up to the cloud so that you can configure a new computer with your data quickly and get your office back online quickly. One last thought—I haven't heard of anyone with a fire safe the contents of which survived the fire.

InQ: Yep, those safes get as hot as the fire. One neighbor's valuable papers turned to powder when he touched them; another found his rare coin collection had become a pile of melted metal. Chris, you have an insurance and construction law background. Any words of wisdom for folks in light of your experience with the Marshall Fire?

Chris: Review your homeowners policy with your agent and make sure your coverages are adequate to rebuild your home given the current real estate market and material costs. Do not take your insurer's word that your coverages are sufficient. If you're not satisfied, speak with other brokers/agents about possibly switching to a new carrier. I've learned both personally and professionally that there are vast differences in insurance coverages, policies, and service.

InQ: So, how is your coverage in the aftermath of the fire?

Chris: We added additional coverages about a year and a half before the fire—inflation riders, law and ordinance coverage, and market and materials adjustments. Thankfully, with those adjustments we can rebuild comfortably. I believe we are adequately insured, but it will be tight given the carrier's evaluation of our replacement cost given the current market costs and pressures.

InQ: Josh, your thoughts?

Josh: I think it's all about perspective. So many friends and acquaintances have expressed how tough it must be losing our home and possessions, but so many others experience profound loss in other ways too and have to deal with those circumstances. Dealing with the aftermath of this fire is not what I want to be doing at age 61, but I mostly view it as another life challenge to get through. I feel like this whole thing is now a massive knot

that cannot be untangled easily or quickly. You may just have to be satisfied loosening a couple of threads at a time. But it will get untangled; we're all going to get there. On the other hand, I can't lose sight of the big picture. The communities affected by the fire are moving toward rebuilding at an unprecedented pace compared to other mass fires. We're lucky to have our state and local government react so quickly and to have enough critical mass in private sector construction to service a good chunk of the rebuilding demand.

A Parting Look

My last memory of my home is this: Two hours after first being evacuated, I slow-drove my SUV back into my neighborhood and into my cul-de-sac. My neighbor's home was just starting to burn. My house was not yet burning, but the dozens of ornamental grasses surrounding our house that I so loved, dried-out and cut-low for the winter, were each on fire. It looked like someone had surrounded our house with tiki torches. It was, briefly, quite a beautiful sight. I thought I should just get out and grab the hose and douse the spot fires. But I also noticed thick black smoke creeping halfway into our cul-de-sac and I could smell the suffocating ash. I recalled that most people don't die from being burned in a fire but from smoke inhalation. I knew I was saying goodbye to our home as I turned my car around.

The next morning, I woke up early and drove back to our neighborhood. The police wouldn't let me drive closer than a mile, but they also said they wouldn't "tackle me" me if I walked the rest of the way. Our entire three-level home was now a smoldering ruin of ash. Emerging from the smoky mist, a local Fox 13 reporter approached and started interviewing me—a 10-minute live broadcast that resulted in dozens of supportive emails and voicemails from friends and acquaintances.³ Most moving were those from former "adversaries" I hadn't spoken to in many, many years, including several defense lawyers I had litigated against, one of whom sounded more choked up than I was. Incredibly, a portion of the interview was rebroadcast nationally on Fox, and old friends from Philadelphia and New York reached out.

On reflection, it's impossible to ignore, despite the horror we experienced, that we're supremely privileged, and that others with fewer resources face much, much greater challenges than we do, including structural biases that we don't ever have to think about. From what I've heard, some of the hardest hit folks were renters, many of whom lacked any substantial insurance or resources and had to re-rent far away from work and school because local rental costs shot up overnight like a rocket.

It is now many months post-fire and we're back on our feet and rebuilding. I would take my old house back in a heartbeat, but the support and love we've received from the community—friends, neighbors, acquaintances, and strangers alike—underscored that relationships and our health, not things, are what's important. It sounds trite, perhaps, but it is true. 



Ronald M. Sandgrund is of counsel with the Construction Defect Group of Burg Simpson Eldredge Hersh Jardine PC. The group represents commercial and residential property owners, homeowner associations and unit owners, and construction professionals and insurers in construction defect, product liability, and insurance coverage disputes. He is a frequent author and lecturer on these topics, as well on the practical aspects of being a lawyer. He has taught entrepreneurial innovation and public policy and trial advocacy, and has lectured on legal ethics, construction law, mass tort litigation, consumer rights, and other subjects at Colorado Law.

NOTES

1. Sandgrund, "Proving Covered Personal Property Loss Under a Homeowners Policy," 51 *Colo. Law.* 30 (Oct. 2022), <https://cl.cobar.org/features/proving-covered-personal-property-loss-under-a-homeowners-policy>.
2. At the time of this article's publication, construction costs were highly variable and subject to inflationary pressures, often running closer to a minimum of \$325 to \$375 a square foot for production homes, \$400 to \$525 a square foot for semi-custom homes, and \$625 or more a square foot for high-end-finish custom homes, based on the Inquiring Lawyer's inquiries. Also, Carolyn has since decided to buy an existing home and sell her now empty lot.
3. Fifteen minutes of "fame" I could do without: <https://www.dropbox.com/s/3i5t4hx1c5j347j/Video%20Jan%2001,%209%2051%2036%20AM.mov?dl=0>.